



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

City Commission Workshop

Mayor John C. Masiarczyk Sr.
Vice Mayor Chris Nabicht
Commissioner Christopher Alcantara
Commissioner Anita Bradford
Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Brian Soukup

Monday, February 13, 2017

5:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. PLEDGE TO THE FLAG:

PUBLIC COMMENTS - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

4. BUSINESS:

- A. [Staff review of Orange City's Citizen Engagement APP. / ROBO Calling / Reverse 911 - Steve Narvaez, IT Services Department \(386\) 878-8702.](#)

[Strategic Goal: Internal and External Communications](#)

Background:

The City Commission has requested staff to review and propose options for improved citizen engagement. IT staff has reviewed and is presenting an overview of three areas of concern being expressed by the Commission.

First the need for a City owned Citizen Engagement APP.

Secondly: an update on reverse 911 options.

Third: ROBO Calling

Attachments: [Citizen Engagement](#)

- B. [Fireworks Education Campaign, Zero Tolerance Enforcement Campaign including approving additional cost, and the potential revision of the fireworks ordinance - Fire Chief Snyder, Fire Department \(386\) 575-6902.](#)

Background:

N/A

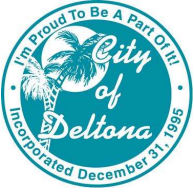
Attachments: [Deltona Ordinance - Fireworks](#)
 [Florida Statutes - Chapter 791 Sale of fireworks](#)
 [Fireworks workshop agenda memo final](#)

5. CITY MANAGER COMMENTS:

6. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 2/13/2017

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - A

SUBJECT:

Staff review of Orange City's Citizen Engagement APP. / ROBO Calling / Reverse 911 - Steve Narvaez, IT Services Department (386) 878-8702.

Strategic Goal: Internal and External Communications

LOCATION:

N/A

BACKGROUND:

The City Commission has requested staff to review and propose options for improved citizen engagement. IT staff has reviewed and is presenting an overview of three areas of concern being expressed by the Commission.

First the need for a City owned Citizen Engagement APP.

Secondly: an update on reverse 911 options.

Third: ROBO Calling

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

ITSD

STAFF RECOMMENDATION PRESENTED BY:

N/A - For review and discussion during Commission Workshop.

POTENTIAL MOTION:

N/A - For review and discussion during Commission Workshop.

Citizen Engagement Opportunities

Currently offered to Residents

City Wide Solutions

WEB SITE: Joyce

City Official Website / Laserfiche Online

SOCIAL MEDIA: Wendi

Facebook / Facebook Live / Periscope / Twitter /
YouTube / Instagram / Foursquare

DELTONA MEANS BUSINESS: Jerry

Website / Facebook

DTV: Lee

Live Broadcasting/ Live to tape / Delayed Broadcasts/
Taped interviews/ Video on Demand
PSA's: Informational / Training / Educational

EMERGENCY NOTIFICATIONS:

Currently handled through VCSO and/or Deltona FD

Departmental Solutions

CODE / BUILDING: Dale / Steve

eTRAKiT online permits application and tracking
IVR for permit tracking and inspection request

BUSINESS TAX: Bob / Cheryl

Citizen Self Service for Online Payments

HUMAN RESOURCES: Rich / Cara

Employee Self Service for Online Job Applications

DELTONA WATER: Matt / Crystal

Munis Self Service for Online Payments

IVR for Balance Information and Payments

Citizen Engagement Opportunities

An overview of Application Platforms

7 basic categories

- 1) Public Information
- 2) Public reporting
- 3) Solicited comments
- 4) Unsolicited comments
- 5) Citizen as a sensor
- 6) Volunteerism
- 7) Citizen as a scientist

Application Platforms

7 Basic Categories

1) PUBLIC INFORMATION

This area includes but is not limited to anything government related, be it financials to alerts and otherwise citizen related or citizen focused information. It can be as simple as public announcements or as complicated as a referendum on a specific issue that would be affecting a community specifically or as a whole. This area can also be used for reserving city assets for private use in many applications: Think Parks Dept. and pavilions or public service rooms in city facilities. Some applications provide for payment services but many lack that interface so once reserved the public would still need to engage staff for payment at any designated facility that has that functionality.

2) PUBLIC REPORTING

This area allows the citizens to report problems / issues / potential violations / concerns in general. Many applications provide for independent or incorporated reporting to the properly identified resources in charge of the area(s) responsible for action on such issues.

3) SOLICITED COMMENTS

This area allows for comments / opinions / insight on specific items or issues City Government would like to be put forth to the community as a whole or specific neighborhoods / districts.

4) UNSOLICITED COMMENTS

This area is more or less an “open mike” or freelance discussion area where the public can comment on anything or everything they feel needs to be discussed.

Application Platforms

7 Basic Categories

5) CITIZEN AS A SENSOR

This area is usually reserved for Public Safety issues or concerns from the public. Many applications have the ability to route these concerns directly to the appropriate Public Safety organization. Typically this area is used to solicit or receive crime tips or other suspicious activity. There is usually an option to remain anonymous if the public so desires.

6) VOLUNTEERISM

This area allows for an open forum where service organizations and the public can meet for information and potentially join forces and resources. Prime example is faith based organizations along with City or County Public Support organizations announcing outreach initiatives and or events.

7) CITIZEN AS A SCIENTIST

This area usually is reserved for citizens to provide “collective knowledge” to government. Examples would be pictures or reports of wildlife in certain areas being considered for development, or considered endangered.



An Introduction to Accela CRM

Accela CRM*

Pricing Sheet

CRM Licenses

\$22,000-24,000 (Pop 82,000)

CRM Historical Data Import

\$6,000

CRM Interface

\$7,500 per interface

(e.g. Asset Management /
Work Order, Licensing, Code
Enforcement, or
Permitting System)

Onsite Training

Daily Rate - \$1,500

From: Jeffrey Reese [<mailto:jreese@accela.com>]

Sent: Thursday, January 19, 2017 7:00 PM

To: Steve Narvaez <SNarvaez@deltanafi.gov>

Subject: RE: Public Stuff

Hi Steve,

Great speaking with you as well. Please see these as high-level budgetary numbers:

CRM Licenses - \$22-24,000 (Pop 82,000)

CRM Historical Data Import - \$6,000

CRM Interface - \$7,500 (per interface e.g. Asset Management/Work Order, Licensing, Code Enforcement, or Permitting System)

Onsite Training - Daily Rate - \$1,500

We can provide a more accurate quote when we better understand the environment, necessary conversions and systems you'd like to interface with. Here is also a link to a video that may prove helpful: <https://vimeo.com/194557826>

Let me know how else I can be of help. I've contacted our Sales team, and as soon as I know who will handle this, I'll be in touch with you. Have a great evening.

Kind Regards,

Jeff

Jeffrey Reese

Sr. Account Manager, Southeast

O: 212-430-4738 | M: 941.628.1495

twitter: [@accelasoftware](https://twitter.com/accelasoftware) | blog: [Accela Insights](http://www.accela.com/insights)

Webinar Series | [Watch it Work](#)

*Formerly Public Stuff

Accela Adoption & Usage Statistics

City of Orange City

We have had a total of 708 requests since April 2013, about 16 requests per month.

Information provided by:

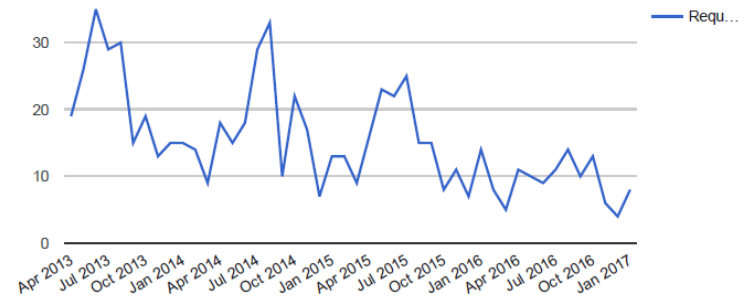
Matthew Place

*Information Technology
Manager, City of Orange City*

New Report

APPLIED FILTERS

Date range: Apr 1, 2013 - Jan 23, 2017
Department: All
Keyword: All
Request Type: All
Status: All



Month	Requests	Percent
Apr 2013	19	2.7%
May 2013	26	3.7%
Jun 2013	35	4.9%
Jul 2013	29	4.1%
Aug 2013	30	4.2%
Sep 2013	15	2.1%

Reverse 911

Emergency Notification Platform

After reaching out to the County regarding Reverse 911, I received the response below. To date I have not heard back on details regarding the switch over.

Steve,

Kim passed your question over to me to check. I asked Emergency Management, and Larry Hue's response was ...

"At some point we're switching to Everbridge - **FDEM* has a contract and is making it available free to cities & counties - has more features than CodeRed", Tom Cisco, Operations Manager out there also added that this changeover would happen when their Code Red contract expires. He didn't provide that detail, but if it's important I can find out. If you have additional questions, Larry's email is LLaHue@volusia.org

Regards,

Al

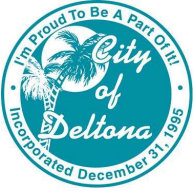
**Florida Department of Emergency Management*

Code Red

Robo Calling for Outbound Notifications

I have a call into Code Red and am seeking pricing information but they want a conference call and demo so I am trying to schedule that so I can get a quote from them to have for this presentation.

We have tried this in the past and found it to be expensive and not as effective as we had hoped.



Agenda Memo

AGENDA ITEM: B.

TO: Mayor and Commission

AGENDA DATE: 2/13/2017

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - B

SUBJECT:

Fireworks Education Campaign, Zero Tolerance Enforcement Campaign including approving additional cost, and the potential revision of the fireworks ordinance - Fire Chief Snyder, Fire Department (386) 575-6902.

LOCATION:

At the Regular Commission Meeting on Monday, February 6, 2017 the Commission requested to workshop the discussion regarding the City's fireworks ordinance.

BACKGROUND:

N/A

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Fire Department

STAFF RECOMMENDATION PRESENTED BY:

N/A - For discussion and direction to staff as necessary.

POTENTIAL MOTION:

N/A - For discussion and direction to staff as necessary.

City of Deltona Code of Ordinances

- **ARTICLE VI. - FIREWORKS**

- **Sec. 42-205. - Definitions.**

As used herein, the terms "*distributor*", "*fireworks*", "*manufacturer*", "*retailers*", "*seasonal retailer*", "*sparklers*", "*division*", and "*wholesaler*" shall have the same meaning as defined in Florida Statute Section 791.01, as it may from time to time be amended by the legislature. The term "person" shall also include firms, co-partnerships, and corporations.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-206. - Minimum fireworks safety standards.**

The outdoor display of fireworks within the City of Deltona shall be governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-207. - Sale, discharge and possession of fireworks or sparklers restricted; penalties.**

(a)

A "sparkler" or other product authorized for sale under this section may not be sold by a retailer or seasonal retailer unless the product was obtained from a manufacturer, distributor, or wholesaler registered with the division pursuant to F.S. § 791.015. Each retailer and seasonal retailer shall keep, at every location where "sparklers" are sold, a copy of an invoice or other evidence of purchase from the manufacturer, distributor, or wholesaler, which states the registration certificate number for the particular manufacturer, distributor, or wholesaler and the specific items covered by the invoice. Each seasonal retailer shall, in addition, exhibit a copy of his or her registration certificate at each seasonal retail location.

(b)

Only those products approved by the division may be sold in the City of Deltona.

(c)

Any person who alters an approved "sparkler" product, so that it is no longer a sparkler, and subsequently sells the product, as if it were approved by the division, violates the provision of this section, and is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(d)

Any person who fraudulently represents a device as approved for sale as a "sparkler" product when it is not so approved by the division, violates the provision of this section, and is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(e)

Any person who sells, distributes, manufactures, or wholesales fireworks or sparklers without first obtaining all necessary permits or licenses violates the provision of this section, and is

guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(f)

Any person who violates any other provision of this section shall be subject to a fine of up to \$500.00 for each occurrence.

(Ord. No. 17-2004, § 1, 6-7-2004; Ord. No. 04-2007, § 1, 2-5-2007)

- **Sec. 42-208. - Application to sell fireworks or sparklers.**

A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city manager's designee, prior to the sale of any fireworks or sparklers within the city boundaries. Application for permits shall be made in writing at least 10 days in advance of the first date of sale. In addition to the requirements of [section 42-210](#) and [section 42-211](#) of this article, all applications for a permit to sell fireworks or sparklers shall be made as follows:

(1)

The application shall set forth a proposed location where the fireworks or sparklers are to be sold and whether the location is for a temporary stand or a permanent structure; and

(2)

The application shall be accompanied by certificates of insurance evidencing liability coverage in the minimum amount of \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00. The certificates of insurance shall state that the city will be given ten days written notice prior to any cancellation of the insurance by the insurance company; and

(3)

The application shall be accompanied by a certificate of insurance evidencing product liability coverage in a minimum amount of \$1,000,000.00; and

(4)

The application shall be accompanied by a copy of the applicant's Florida Sales Tax License; and

(5)

The application shall be made a minimum of ten days prior to the time when the applicant wishes to begin selling fireworks within the time constraints set forth in this article; and

(6)

The application shall be accompanied by proof of registration with, and payment to, the division pursuant to F.S. § 791.015; and

(7)

The application shall be accompanied by an administrative fee of \$100.00 for the sale of fireworks, if applicable, and \$100.00 for the retail sale of sparklers. Such fees are to offset the cost for the administration and issuance of the permit, cost of the regulatory requirements, and for conducting necessary fire, safety, and building code inspections; and

(8)

The application shall post and maintain with the city a cash bond, a surety bond, or some other comparable security instrument (e.g., irrevocable standby letter of credit), to be approved by the city attorney in the amount of \$10,000.00. Any surety bond shall bind a grantee and the surety jointly and severally to the city as obligee. The bond or other security instrument shall be given as security for and shall be conditioned upon full compliance by the applicant with this article, Florida Statutes, Federal and State

Revenue laws, Florida Administrative Code, Department of Agriculture and Consumer Services, until the termination or surrender of the permit and any resolution of the city commission pertaining to any review or appeal by the applicant. The bond or security instrument shall remain in effect during the term of the permit. The bond or security unit must contain a provision that it may not be modified, cancelled, or terminated until ten days after receipt by the city manager, or his designee, of two copies of such written notice of any intent to modify, cancel, terminate, or refuse to renew the bond or cancel the bond, or withdraw the security. The original of the bond or security instrument shall be filed with and maintained by the city manager or his designee. All rights reserved to the city with respect to the surety bond or security instrument are in addition to all other rights of the city, whether granted or reserved by this article or otherwise authorized by law, and no action, proceedings, or exercise of a right with respect to the bond or security units shall affect any other right which the city may have. The bond or security shall protect the city from any and all damages or costs suffered or incurred by the city as a result thereof, including but not limited to attorney's fees and costs of any action or proceeding, and including the full amount of compensation, indemnification, cost of removal, storage, or destruction of any property or other costs due to a violation or abandonment of property, up to but not limited to the full principal amount of such bond; and the condition shall be a continuing obligation during the entire term of any permit issued in accordance with this article, and thereafter until the applicant shall have satisfied in full any and all obligations to the city which arise out of or pertain to the permit.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-209. - Posting of permit.**

Permits issued pursuant to this article shall be posted in a conspicuous place in a temporary stand and in a conspicuous place in the vicinity of the fireworks in a permanent structure. The permit shall be available for presentation upon request to duly authorized officials.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-210. - Regulations governing all sparklers retail sales locations.**

(a)

All retail sales locations for sparklers shall be under the direct supervision of a responsible person who is 18 years of age or older.

(b)

A salesperson of sparklers shall remain at the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or the merchandise is removed.

(c)

Sparklers shall not be sold to any person under the age of 16 years, unless accompanied by an adult.

(d)

All retail sales locations of sparklers shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

(e)

The retail sale of sparklers may be located in a permanent structure or a temporary stand, as defined by this article.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-211. - Regulations governing all fireworks and sparklers sales locations.**

- (a) Storage facilities for fireworks or sparklers shall not be located in residential areas.
- (b) Smoking shall not be permitted within 50 feet of any fireworks or sparklers, either on display for sale or storage.
- (c) "Smoking Prohibited Within 50 Feet", or similarly worded signs, shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than two inches high with a minimum 3/8 " stroke on a contrasting background.
- (d) A sign, clearly visible to the general public, shall be posted at all fireworks or sparklers sales locations, indicating the legal dates for discharge of fireworks or sparklers as set forth in this article. Sign lettering shall be not less than one inch high with a minimum 3/16 " stroke on a contrasting background.
- (e) All locations containing fireworks or sparklers shall be equipped with a sufficient number of approved portable fire extinguishers having a combined rating of at least 2A 10BC, as determined by the Division Chief/Fire Marshall of the City of Deltona or its representative.
- (f) No amount of storage or display of fireworks or sparklers shall, by its presence, be permitted if it creates a distinct hazard to the life or safety of any customer, employee, or property.
- (g) All sales to wholesalers, manufacturers, distributors, and agencies shall be accompanied by a sales receipt indicating the name, address, phone number, a copy of the registration with the division, pursuant to F.S. § 791.015, and a Federal Identification Number.
- (h) All sales receipts, with attached copies of required documentation, shall be available at each sales location for all sales occurring at that location for inspection by the City of Deltona Code Enforcement Officer or law enforcement official upon request.
- (i) All sales of fireworks pursuant to F.S. § 791.07, Agricultural and fish hatchery use, shall require a copy of the statement which was filed with the local sheriff's department, as required by Chapter 5A-3 of Florida Department of Agriculture and Consumer Services, that buyer is engaged in agricultural or fishing works.
- (j) Compliance with all other rules and regulations which apply to the sale of fireworks or retail sale of sparklers, as required by Florida Statutes, Federal and State Revenue laws, Florida Administrative Code, Department of Agriculture and Consumer Services, is required additional action by the seller and/or buyer before a sale of fireworks or sparklers is valid under this article.

(Ord. No. 17-2004, § 1, 6-7-2004)

• **Sec. 42-212. - Permanent structures.**

(a)

Display of fireworks or sparklers inside permanent structures shall be subject to the following restrictions:

- Up to 250 pounds of fireworks or sparklers—Such displays are unrestricted.
- From 251 pounds to 500 pounds of fireworks or sparklers—Such displays must be within constant visual supervision.
- Above 500 pounds of fireworks or sparklers—Such display must be constantly attended by a sales person.

(b)

Fireworks and sparklers located in permanent structures shall be maintained as follows:

- The area where fireworks or sparklers are displayed or stored shall be at least 50 feet from any flammable liquid, gas, or other highly combustible material.
- Fireworks or sparklers, including stock for sale, shall not be stored near exit doorways, stairways, or in locations that would impede egress.
- Fireworks or sparklers shall be stored, handled, displayed, and sold only as packaged units with unexposed fuses within permanent structures.

(c)

Fireworks shall be stored, displayed, or sold only in permanent structures as defined by this article and which comply with all fire, safety, and building codes of the City of Deltona and Florida Statutes.

(d)

Permanent structure means an enclosed structure having a roof supported by columns or walls and includes, but is not limited to, any structure used or built for the shelter or enclosure of persons, animals, chattels, materials, equipment, or property of any kind which can be securely locked and conforms to all local zoning and fire codes.

(Ord. No. 17-2004, § 1, 6-7-2004)

• **Sec. 42-213. - Temporary stands.**

(a)

Temporary stands shall meet the requirements of the latest edition of the Uniform Building Code adopted by the City of Deltona. Each permit request shall require payment of an inspection fee, the dates and hours of operation, and the location of the temporary structure to be inspected prior to the commencement of any sales.

(b)

Each temporary stand shall have a minimum of two approved exit doors, which swing out at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort.

(c)

Each temporary stand shall have a minimum three-foot wide unobstructed aisle running the length of the stand, inside and behind the counter.

(d)

The pass-through openings for temporary stands shall be arranged to permit customers viewing of the merchandise for sale, but prevent the touching or handling of unpackaged sparklers by a customer.

(e)

Temporary stands shall be located in properly zoned areas, at least 100 feet from other temporary stands, flammable liquid or gas storage, and dispensing units.

(f)

If the temporary stand is used for overnight storage of sparklers, it shall be equipped with suitable locking devices to prevent unauthorized entry.

(g)

Temporary stands shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and light devices shall be approved by the City of Deltona Fire Department having jurisdiction. Permanent or temporary wiring and the use of extension cords are strictly prohibited.

(h)

A person shall not be allowed to sleep in a temporary stand.

(i)

A temporary stand shall be completely removed from its location within three days after the sales period has ended as provided in the permit.

(j)

No fireworks shall be stored, displayed, or sold in a temporary stand.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-214. - Seizure of fireworks or sparklers—Suspension of permit.**

Failure to strictly comply with any of the requirements of this article is a violation thereof. Fireworks or sparklers sold or offered for sale in violation of this article may be immediately seized and stored at the owner's expense, and the permit at the location where the person selling or offering fireworks or sparklers for sale shall be suspended for 30 days. Pursuant to F.S. 791.05, Volusia County Sheriff Department and any officials charged with the enforcement of the laws of the state, and any law enforcement or code enforcement officer charged with the enforcement of the ordinances of the City of Deltona shall have the authority to seize, take, remove or cause to be removed, store, and destroy at the expense of the owner, all stock of fireworks, sparklers, or combustibles available, exposed, or offered for sale, stored, or held in violation of this article. Any violation of this article shall be grounds for immediate seizure of the fireworks and sparklers and a 30-day suspension of the permit.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-215. - Discharge of fireworks or sparklers restricted.**

(a)

It shall be unlawful to discharge any fireworks or sparklers within 100 feet of a temporary stand, LPG, flammable liquid or gas, storage or dispensing units.

(b)

It shall be unlawful to discharge any fireworks or sparklers within 20 feet of any residence, dwelling, or other structure.

(c)

It shall be unlawful to discharge any fireworks or sparklers in public rights-of-way, parks, or other public properties.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-216. - Businesses exempt from this article.**

(a)

Except where otherwise specifically referenced, this article does not apply to:

(1)

Inventories of fireworks of manufacturers, importers, distributors, or wholesalers designed for shipment directly out of the state by the seller.

(2)

Fireworks displays sponsored by the city.

(3)

Applicants for a public display of fireworks or theatrical use of fireworks with a valid permit issued by the City of Deltona.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-217. - Public display of fireworks.**

(a)

Applicants for the public display of fireworks or theatrical use of fireworks shall complete an application provided by the City of Deltona which shall be:

(1)

Accompanied by a site plan of the location where the fireworks are to be discharged and viewed;

(2)

Accompanied by a list of fireworks to be discharged;

(3)

Accompanied by the location of storage of fireworks to be used;

(4)

Accompanied by a sworn statement, acceptable to the fire chief, from the owner of the property where the fireworks will be discharged and viewed;

(5)

Accompanied by a certificate of insurance evidencing liability coverage in the minimum amounts of \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00 and naming the city as an additional insured. The certificates of insurance shall state that the city will be given ten days written notice prior to any cancellation of the insurance by the insurance company;

(6)

Accompanied by a certificate of insurance evidencing products liability coverage in a minimum amount of \$1,000,000.00;

(7)

Accompanied by a copy of the applicant's Florida State license as applicable; and
(8)

Made a minimum of ten days prior to the date of display.

(b)

Every public display of fireworks within the City of Deltona shall be approved by the governing body of the City of Deltona and handled by a competent operator to be approved by the Sheriff of Volusia County and the Fire Chief of the City of Deltona, and shall be of such a character, and so located, discharged, or fired as in the opinion of the fire chief, after proper inspection, shall not be hazardous to property or endanger any person. A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city manager's designee, prior to the display of any fireworks within the city boundaries. Application for permits shall be made in writing at least ten days in advance of the date of the display. After such privilege shall have been granted, any sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(Ord. No. 17-2004, § 1, 6-7-2004)

- **Sec. 42-218. - Return of fireworks; appeals.**

Any person, firm, co-partnership, or corporation whose property is seized pursuant to a violation of this article, or Florida Statutes Chapter 791, shall be entitled to request the return of all property seized upon payment of all fees, expenses, fines, and costs related to any violation of this article, Florida Statutes Chapter 791, and the storage of any seized property. Any seized property unclaimed within 15 days after actual or constructive notice of seizure of fireworks property shall vest in the City of Deltona and be destroyed at the cost and expense of the owner. Notice shall be provided to the person representing the owner or his employee at the location where the fireworks are seized or mailed to the mailing address provided on the application for the permit. Any action taken by local law enforcement or code enforcement, due to a violation of this article, may be appealed to the City Commission of the City of Deltona within ten days thereof if the owner of the property seized, the applicant of the permit suspended, or the person receiving the notice of violation and fine desires to challenge such action. Written notice of appeal shall be provided to the City Manager of the City of Deltona.

(Ord. No. 17-2004, § 1, 6-7-2004)

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The 2016 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 791](#)
SALE OF FIREWORKS

[View Entire Chapter](#)

CHAPTER 791 SALE OF FIREWORKS

791.001 Application and enforcement.

791.01 Definitions.

791.012 Minimum fireworks safety standards.

791.013 Testing and approval of sparklers; penalties.

791.015 Registration of manufacturers, distributors, wholesalers, and retailers of sparklers.

791.02 Sale of fireworks regulated; rules and regulations.

791.03 Bond of licensees.

791.04 Sale at wholesale, etc., exempted.

791.05 Seizure of illegal fireworks.

791.055 Restrictions upon storage of sparklers.

791.06 Penalties.

791.07 Agricultural and fish hatchery use.

791.001 Application and enforcement.—This chapter shall be applied uniformly throughout the state. Enforcement of this chapter shall remain with local law enforcement departments and officials charged with the enforcement of the laws of the state.

History.—s. 6, ch. 87-118.

791.01 Definitions.—As used in this chapter, the term:

(1) “Distributor” means any person engaged in the business of selling sparklers to a wholesaler.

(2) “Division” means the Division of the State Fire Marshal of the Department of Financial Services.

(3) “Explosive compound” means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.

(4)(a) “Fireworks” means and includes any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(b) "Fireworks" does not include sparklers approved by the division pursuant to s. 791.013; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

(c) "Fireworks" also does not include the following novelties and trick noisemakers:

1. A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash which expands in length as the pellet burns and that does not contain mercuric thiocyanate.

2. A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.

3. A trick noisemaker, which is a device that produces a small report intended to surprise the user and which includes:

a. A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report.

b. A booby trap, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound, which is ignited by pulling the ends of the string, and which produces a small report.

c. A snapper, which is a small, paper-wrapped device containing not more than four milligrams of explosive composition coated on small bits of sand, and which, when dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.

d. A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks.

e. A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report.

f. An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.

The sale and use of items listed in this paragraph are permitted at all times.

(5) "Manufacturer" means any person engaged in the manufacture or construction of sparklers in this state.

(6) "Retailer" means any person who, at a fixed place of business, is engaged in selling sparklers to consumers at retail.

(7) "Seasonal retailer" means any person engaged in the business of selling sparklers at retail in this state from June 20 through July 5 and from December 10 through January 2 of each year.

(8) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is handheld or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the division is classified as fireworks.

(9) "Wholesaler" means any person engaged in the business of selling sparklers to a retailer.

History.—s. 1, ch. 20445, 1941; s. 1, ch. 57-338; s. 1, ch. 84-201; s. 1, ch. 87-118; s. 36, ch. 89-233; s. 1906, ch. 2003-261.

791.012 Minimum fireworks safety standards.—The outdoor display of fireworks in this state shall be governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. The division shall promulgate rules to carry out the provisions of this section. The Code for Fireworks Display shall not govern the display of any fireworks on private, residential property and shall not govern the display of those items included under s. 791.01(4)(b) and (c) and authorized for sale thereunder.

History.—s. 1, ch. 96-285.

791.013 Testing and approval of sparklers; penalties.—

(1) A person who wishes to sell sparklers must submit samples of his or her product to the division for testing to determine whether it is a sparkler as defined in s. 791.01. Such samples must be received by the division by September 1 to be considered for approval the following year. On February 1 of each year the division shall approve those products which it has tested and found to meet the requirements for sparklers. All approved sparkler products are legal for sale until January 31 of the following year. The list of approved sparkler products shall be published in the Florida Administrative Register and shall prominently state the dates between which the products may be sold. The division shall make copies of this list available to the public. A product must be tested and approved for sale in accordance with the rules adopted to implement this section. Beginning February 1, 1988, only those products approved by the division may be sold in the state. The State Fire Marshal shall adopt rules describing the testing, approval, and listing procedures.

(2) Any person who alters an approved sparkler product, so that it is no longer a sparkler as defined in s. 791.01, and subsequently sells the product as if it were approved is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who fraudulently represents a device as approved for sale as a sparkler product when it is not so approved is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) For purposes of the testing requirement by this section, the division shall perform such tests as are necessary to determine compliance with the performance standards in the definition of sparklers, pursuant to s. 791.01. The State Fire Marshal shall adopt, by rule, procedures for testing products to determine compliance with this chapter. The Division of Investigative and Forensic Services shall dispose of any samples which remain after testing.

History.—s. 2, ch. 87-118; s. 21, ch. 93-276; s. 1222, ch. 97-102; s. 58, ch. 2013-14; s. 38, ch. 2016-165.

791.015 Registration of manufacturers, distributors, wholesalers, and retailers of sparklers.—

(1) REGISTRATION REQUIREMENTS.—Any manufacturer, distributor, wholesaler, retailer, or seasonal retailer of sparklers who wishes to do business in this state or to otherwise sell, ship, or assign for sale its products in this state must register annually with the division on forms prescribed by the division. Any retailer who sells sparklers at more than one retail location may submit one registration form for all such locations but must provide the address of each location with the registration form; however, any retailer may submit multiple registration forms.

(2) REGISTRATION FORM.—The registration form filed with the division must be notarized and must include the following information: business name; address; telephone number; officers, if the business is a corporation; and an individual designated as a contact person.

(3) FEES.—

(a) Each manufacturer, distributor, or wholesaler must pay an annual registration fee to be set by the division not to exceed \$1,000. Each seasonal retailer must pay an annual registration fee to be set by the division not to exceed \$200. Each retailer shall pay an annual registration fee to be set by the division not to exceed \$15 for each retail location registered. Each certificateholder wishing to have a duplicate certificate issued for one which is lost or to reflect a change of address shall request such duplicate in writing and shall pay a fee of \$5.

(b) Revenue from registration fee payments shall be deposited in the Insurance Regulatory Trust Fund for the purposes of implementing the registration and testing provisions of this chapter.

(4) RULES.—The State Fire Marshal may adopt rules prescribing registration forms required by this section.

History.—s. 3, ch. 87-118; s. 37, ch. 89-233; s. 21, ch. 2000-370; s. 1907, ch. 2003-261.

791.02 Sale of fireworks regulated; rules and regulations.—

(1) Except as hereinafter provided it is unlawful for any person, firm, copartnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the board of county commissioners shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks by fair associations, amusement parks, and other organizations or groups of individuals when such public display is to take place outside of any municipality; provided, further, that the governing body of any municipality shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks within the boundaries of any municipality. Every such display shall be handled by a competent operator to be approved by the chiefs of the police and fire departments of the municipality in which the display is to be held, and shall be of such a character, and so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person. Application for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) A sparkler or other product authorized for sale under this chapter may not be sold by a retailer or seasonal retailer unless the product was obtained from a manufacturer, distributor, or wholesaler registered with the division pursuant to s. 791.015. Each retailer and seasonal retailer shall keep, at every location where sparklers are sold, a copy of an invoice or other evidence of purchase from the manufacturer, distributor, or wholesaler, which states the registration certificate number for the particular manufacturer, distributor, or wholesaler and the specific items covered by the invoice. Each seasonal retailer shall, in addition, exhibit a copy of his or her registration certificate at each seasonal retail location.

History.—s. 2, ch. 20445, 1941; s. 1, ch. 61-312; s. 4, ch. 87-118; s. 1223, ch. 97-102.

791.03 Bond of licensees.—The board of county commissioners shall require a bond deemed adequate by the board of county commissioners from the licensee in a sum not less than \$500 conditioned for the payment of all damages which may be caused either to a person or to property by reason of the licensee's display, and arising from any acts of the licensee, his or her agents, employees or subcontractors.

History.—s. 3, ch. 20445, 1941; s. 1, ch. 61-312; s. 1224, ch. 97-102.

791.04 Sale at wholesale, etc., exempted.—Nothing in this chapter shall be construed to prohibit any manufacturer, distributor, or wholesaler who has registered with the division pursuant to s. 791.015 to sell at wholesale such fireworks as are not herein prohibited; to prohibit the sale of any kind of fireworks at wholesale between manufacturers, distributors, and wholesalers who have registered with the division pursuant to s. 791.015; to prohibit the sale of any kind of

fireworks provided the same are to be shipped directly out of state by such manufacturer, distributor, or wholesaler; to prohibit the sale of fireworks to be used by a person holding a permit from any board of county commissioners at the display covered by such permit; or to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or organizations composed of the Armed Forces of the United States; provided, nothing in this chapter shall be construed as barring the operations of manufacturers, duly licensed, from manufacturing, experimenting, exploding, and storing such fireworks in their compounds or proving grounds.

History.—s. 4, ch. 20445, 1941; s. 1, ch. 61-312; s. 5, ch. 87-118.

791.05 Seizure of illegal fireworks.—Each sheriff, or his or her appointee, or any other police officer, shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter.

History.—s. 5, ch. 20445, 1941; s. 1225, ch. 97-102.

791.055 Restrictions upon storage of sparklers.—

(1) Sparklers shall not be stored or kept for sale in any store:

(a) In which paints, oils, or varnishes are manufactured or kept for use or sale unless the paints, oils, or varnishes are in unbroken containers.

(b) In which resin, turpentine, gasoline, or flammable substances or substances which may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substances are in unbroken containers.

(c) In which there is not at least one approved chemical fire extinguisher ready, available, and equipped for use in extinguishing fires.

(2) When sparklers are in storage to be offered for sale at retail, a sign shall be conspicuously displayed over the entrance to the room in which the sparklers are stored, which sign reads: "CAUTION SPARKLERS-NO SMOKING." No person shall be in such room while in possession of a lighted cigar, cigarette, or pipe.

History.—s. 2, ch. 84-201.

791.06 Penalties.—Any firm, copartnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083 or, in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 20445, 1941; s. 756, ch. 71-136.

791.07 Agricultural and fish hatchery use.—Nothing in this chapter shall prohibit the importation, purchase, sale, or use of fireworks used or to be used solely and exclusively in

frightening birds from agricultural works and fish hatcheries; and such use shall be governed entirely by the rules prescribed by the Department of Agriculture and Consumer Services.

History.—s. 1, ch. 29780, 1955; s. 1, ch. 57-336; ss. 14, 35, ch. 69-106; s. 1, ch. 82-109.

Note.—Section 10(5), ch. 2007-67, provides that “[p]ending completion of the Legislature’s review of the task force’s report and to ensure that fire prevention and safety standards are uniform, a new permanent retail sales facility engaged in sales otherwise permitted under s. 791.07, Florida Statutes, may not be opened in this state after March 8, 2007, unless the permanent retail sales facility has received site-plan approval and construction has begun on or before March 8, 2007; the number of permits for temporary retail sales facilities, such as tents, engaged in sales otherwise permitted by s. 791.07, Florida Statutes, which are issued after March 8, 2007, by a county, municipality, or other unit of local government may not exceed the number of permits that such governmental entity issued for such facilities during the previous calendar year; and a municipality, county, or other unit of local government may not adopt an ordinance, rule, regulation, or other law after March 8, 2007, which directly prohibits or directly interferes with the safety standards established by state law or the right to purchase, sell, use, or possess consumer fireworks in this state. However, if the Legislature enacts legislation to provide for the comprehensive regulation of fire prevention and safety standards for the use of consumer fireworks to replace this subsection on or before July 1, 2008, this subsection does not prohibit opening any such facility, permitting any such temporary facility, or adopting any such ordinance or other law after such legislation is enacted.”

On January 12th, the Sheriff, Code Enforcement and Fire departments of the city met to discuss the commission's concerns about the use of illegal fireworks in the city and potential methods for curtailing it. The following is the results of that meeting for review and discussion by the City commission at the February 13, 2017 workshop.

Problem: The purpose of the meeting was to collaborate and discuss the recent complaints of fireworks being discharged during the New Years and Fourth of July holidays. Several concerned citizens have voiced their concerns through social media and e-mail to city, county and state officials.

Education: Suggestions from attendees were to present Fireworks Safety and Zero Tolerance for Firework Use in Deltona through a media campaign using social media, public service announcements on Deltona TV and portable changeable message signs (CMS). It was also suggested that the City partner with EPIC theaters to utilize their pre-movie marketing to share the message.

Enforcement: Would include partnering five code enforcement officers with five detail deputies that would respond to and concentrate on fireworks complaints. The Code Officers would issue city citations for ordinance violations under the city's fireworks ordinance that would be processed in County Court. The deputies would collect/confiscate and photograph fireworks, turning the incendiary devices over to the Bomb Disposal Team for destruction. The photographs will be submitted to the Digital Crime Scene software for evidentiary purposes. Deputies will utilize a master case number for these cases, similar to the prescription drug drop-off program.

Implementation: The Fourth of July will fall on Tuesday, and it is suggested that the 10-person Fireworks Taskforce work Tuesday night from 8:00 PM – 2:00 AM. The effort will involve 60 productive hours = 10 members x 6 hours x 1 day. The cost for the five detail deputies is \$1,350 = 5 deputies x 6 hours x 1 day x \$45 per hour. The cost for the five code officers is \$960 = 5 code officers x 6 hours x 1 day x \$32 per hour. The total cost for enforcement efforts for a one-day period is approximately \$2,310. The taskforce members will curtail their efforts early if there are minimal fireworks incidents or complaints.

After-Action Report: The taskforce efforts will be memorialized in an after-action report that will be submitted to the City Manager and City Commission for review. There will be a joint press release from the City of Deltona and the Sheriff's Office promoting the success of the enforcement efforts. The press release will include photographs of the confiscated fireworks.

Another concern of the commission was the Fireworks ordinance. After discussion with the City Attorney it was determined by the City Manager, City Attorney and the Fire Chief that the ordinance was best left unchanged. There are two reasons for this recommendation. First, there is nothing in our ordinance that conflicts with State law. Second, there is a section in the state law that states "a municipality, county, or other unit of local government may not adopt an ordinance, rule, regulation, or other law after March 8, 2007, which directly prohibits or directly interferes with the safety standards established by state law or the right to purchase, sell, use, or possess consumer fireworks in the state." Currently, our city ordinance has some provisions that are more stringent than state law and since the ordinance was adopted before the March 2007 deadline those provisions are permissible. It is the opinion of our city attorney that if we change any part of the ordinance we would have to remove the more stringent parts of our ordinance.

It is requested that the commission discuss and consider the fireworks education campaign, the Zero Tolerance enforcement campaign including approving the additional cost, and the fireworks ordinance potential revision.